

CH 1998 N No. 911

IN THE HIGH COURT OF JUSTICE

CHANCERY DIVISION

MR JUSTICE FERRIS

WEDNESDAY 18TH FEBRUARY 1998

BETWEEN

NOMINET UK (a company limited by guarantee)

Plaintiff

and

(1) JOHN EDWARD MCGRATH
(2) MONEY SPIDER LIMITED

Defendants

INJUNCTION PROHIBITING DISPOSAL OF ASSETS
IN ENGLAND AND WALES

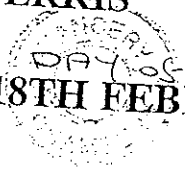
IMPORTANT:-

NOTICE TO THE DEFENDANT

- (1) This Order prohibits you from dealing with your assets up to the amount stated. The Order is subject to the exceptions at the end of the Order. You should read it all carefully. You are advised to consult a Solicitor as soon as possible. You have a right to ask the Court to vary or discharge this Order.
- (2) If you disobey this Order you may be found guilty of Contempt of Court and any of your directors may be sent to prison or fined and you may be fined or your assets may be seized.

this Order you may be held to be in contempt of court and liable to imprisonment

If you the within named MONEY SPIDER LIMITED disobey this order, you may be held to be in contempt of Court and liable to sequestration of your assets.



THE ORDER

An Application was made on the 18th February 1998 by Counsel for the Plaintiff to the Judge who heard the application supported by the affidavits listed in Schedule 1 and accepted the undertakings in Schedule 2 at the end of this Order.

IT IS ORDERED that:

1. Disposal of assets

- 1) The Defendant must not remove from England and Wales or in any way dispose of or deal with or diminish the value of any of his assets which are in England and Wales whether in his own name or not and whether solely or jointly owned up to the value of £25,000. This prohibition includes the following assets in particular:-

-
- 2) If the total unincumbered value of the Defendant's assets in England and Wales exceeds £25,000, the Defendant may remove any of those assets from England and Wales or may dispose of or deal with them so long as the total unincumbered value of his assets still in England and Wales remains above £25,000.

2. Disclosure of information.

- 1) The Defendant must inform the Plaintiff in writing at once of (i) all his assets in England and Wales whether in his own name or not and whether solely or jointly owned, giving the value, location and details of all such assets; and (ii) all particulars of transactions relating to the said account No.1265192/02. The information must be confirmed in an affidavit which must be served on the Plaintiff's Solicitors within 7 days after this Order has been served on the Defendant.

EXCEPTIONS TO THIS ORDER

- 1) This Order does not prohibit the Defendant from spending £100 a week towards his ordinary living expenses and £100 a week towards his ordinary and proper business expenses and also a reasonable sum on legal advice and representation. But before spending any money the Defendant must tell the Plaintiff's Solicitors where the money is to come from.
- 2) The Defendant may agree with the Plaintiff's Solicitors that the above spending limits should be increased or that this Order should be varied in any other respect but any such agreement must be in writing.
- 3) The Defendant may cause this Order to cease to have effect if the Defendant provides security by paying the sum of £25,000 into court or makes provision for security in that sum by some other method agreed with the Plaintiff's Solicitors.

DURATION OF THIS ORDER

This Order will remain in force up to and including Monday 23rd February 1998 (the "return date") unless before then it is varied or discharged by a further Order of the Court. The Application in which this Order is made shall come back to the Court for further hearing on the return date.

VARIATION OR DISCHARGE OF THIS ORDER

The Defendant (or anyone notified of this Order) may apply to the Court at any time to vary or discharge this Order (or so much of it as affects that person), but anyone wishing to do so must first inform the Plaintiff's Solicitors.

NAME AND ADDRESS OF PLAINTIFF'S SOLICITORS

The Plaintiff's solicitors are:-

Manches & Co., 3 Worcester Street, Oxford OX1 2PZ ref:RJF.13094.96 tel:
01865 722106 fax 01865 201012

INTERPRETATION OF THIS ORDER

- 1) In this Order "he" "him" or "his" include "she" or "her" and "it" or "its".
- 2) Where there are two or more Defendants then (unless otherwise stated)
 - (a) References to "the Defendant" mean both or all of them
 - (b) An Order requiring "the Defendant" to do or not to do anything requires each Defendant to do or not to do it.

- (c) A requirement relating to service of this Order or of any legal proceedings on "the Defendant" means on each of them.

EFFECT OF THIS ORDER

- 1) A Defendant who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.
- 2) A Defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees, or agents or in any other way.

THIRD PARTIES

- 1) Effect of this Order. It is a Contempt of Court for any person notified of this Order knowingly to assist in or permit a breach of the Order. Any person doing so may be sent to prison, fined, or have his assets seized.
- 2) Set off by Banks. This injunction does not prevent any bank from exercising any right of set off it may have in respect of any facility which it gave to the Defendant before it was notified of the Order.
- 3) Withdrawals by the Defendant. No bank need enquire as to the application or proposed application of any money withdrawn by the Defendant if the withdrawal appears to be permitted by this Order

SCHEDULE 1

Affidavits

The Plaintiff relied on the following affidavits:

- 1) Draft Affidavit of Steven Andrew Maier
- ~~2) Draft Second Affidavit of Dr William Black /~~

SCHEDULE 2

Undertakings given to the Court by the Plaintiff

- 1) If the Court later finds that this Order has caused loss to the Defendant, and decides that the Defendant should be compensated for that loss, the Plaintiff will comply with any Order the Court may make.

~~2) The Plaintiff will on or before the _____ day of _____ cause a written guarantee in the sum of £ _____ to be issued from a bank having a place of business within England or Wales, such guarantee being in respect of any Order the Court may make pursuant to the foregoing paragraph.~~

~~The Plaintiff will further, forthwith upon such issue, cause a copy of the guarantee to be served on the Defendant.~~

- 3) As soon as practicable the Plaintiff will serve on the Defendant this Order.

- 4) The Plaintiff will cause an affidavit to be sworn and filed substantially in the terms of the draft affidavit produced to the Court.

- 6) *Anyone notified of this Order will be given a copy of it by the Plaintiff's Solicitors.*
- 7) *The Plaintiff will pay the reasonable costs of anyone other than the Defendant which have been incurred as a result of this Order including the costs of ascertaining whether that person holds any of the Defendant's assets and if the Court later finds that this Order has caused such person loss, and decides that such person should be compensated for that loss, the Plaintiff will comply with any Order the Court may make.*
- 8) *If for any reason this Order ceases to have effect (including in particular where the Defendant provides security as provided for above or the Plaintiff does not provide a bank guarantee as provided for above), the Plaintiff will forthwith take all reasonable steps to inform, in writing, any person or company to whom he has given notice of this Order, or who he has reasonable grounds for supposing may act upon this Order, that it has ceased to have effect.*

YHK .

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION

MR JUSTICE FERRIS

18th FEBRUARY 1998

~~CH 1998 N No~~

NOMINET UK (a company limited by guarantee)

Plaintiff

-and-

(1) JOHN EDWARD MCGRATH
(2) MONEY SPIDER LIMITED

Defendants

DUPLICATE

INJUNCTION PROHIBITING DISPOSAL OF ASSETS
IN ENGLAND AND WALES

RO/MANCHE2/2
18 February, 1998

MANCHES & CO.
3 Worcester Street
Oxford OX1 2PZ
RJF 13094.94